

UNITED STATES DISTRICT COURT
for the
District of Montana

United States of America

v.

Jason Kyle Swindler

Date of Original Judgment: 04/06/2023

Date of Previous Amended Judgment: _____

(Use Date of Last Amended Judgment if Any)

Case No. CR-22-27-BLG-SPWUSM No: 94977-509

David Ness

Defendant's Attorney

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:


☒ **DENIED.** ☐ **GRANTED** and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months is reduced to _____.
(See Page 2 for additional parts. Complete Parts I and II of Page 2 when motion is granted)

For the reasons stated in the Government's brief, the Court denies Swindler's motion. Additionally, the Court finds the § 3553(a) factors do not warrant a reduction in Defendant's sentence. At sentencing, the Court imposed a 60-month sentence based on a binding plea agreement that the Court accepted. As the Court explained at sentencing, Defendant's conduct qualified him for a more serious offense that carried a ten-year mandatory minimum sentence, and the seriousness of Defendant's conduct warranted a 60-month sentence.

Except as otherwise provided, all provisions of the judgment dated 04/06/2023 shall remain in effect.

IT IS SO ORDERED.

Order Date: 04/19/2024


Judge's signature

Effective Date: _____
(if different from order date)

Susan P. Watters, U.S. District Court Judge

Printed name and title